



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,807	02/27/2002	Brian J. Brown	5398/CMP/CMP/RKK	2372

32588 7590 03/24/2004

APPLIED MATERIALS, INC.
2881 SCOTT BLVD. M/S 2061
SANTA CLARA, CA 95050

EXAMINER

BALSIS, SHAY L

ART UNIT	PAPER NUMBER
----------	--------------

1744

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

A-9

Office Action Summary

Application No.

10/085,807

Applicant(s)

BROWN ET AL.

Examiner

Shay L Balsis

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/27/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 8 and 15-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-31 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 8 and 15-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse on 9/15/03.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Koll et al. (USPN 4842195).

Applicant has clearly stated that the convention scrubbing device includes a spray bar (19) with an output fluid spray from one or more nozzles (21), a mounting device (22) supporting the spray bar and substrate support (17) configured to support a substrate. There is additionally a scrubber brush (13, 15) configured to contact a surface of a substrate. This admission of prior art is stated in the applicant's specification on pages 1-3 and is also clearly shown on figure 1 labeled "prior art" of the applicant's drawings. The admitted prior art teaches all the essential elements of the claimed invention however fails to teach alignment marking on the spray bar and the mounting device. Koll teaches an apparatus for directing spray nozzles in various directions and angles. The spray nozzles (32, 36) are connected to a mounting device (30). Both the spray nozzle and the mounting device comprise indicia (62, 64) to illustrate the

Art Unit: 1744

angle at which the nozzle will spray (figure 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include indicia on the spray bar and on the mounting device to allow the nozzle to be set at a desired angle that is adjustable and reproducible.

With regards to claims 4 and 11, which states that the alignment marks on the spray bar and the mounting device must be comprise a pair of holes, Koll fails to teach this limitation. However, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use holes as the alignment means because Applicant has not disclosed that holes provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with holes or lines because they both perform the same function of aligning the spray bar and the mounting device equally well. Therefore, it would have been obvious to one of ordinary skill in the art to modify Koll to obtain the invention as specified in claims 4 and 11.

With regards to claims 6 and 13, wherein the spray bar comprises a plurality of alignment marks, Koll also fails to teach this. Koll does teach that the mounting device comprises a plurality of indicia and therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use multiple indicia on the spray bar as well. Duplicating a part for a multiple effect is a modification that has been considered to be within the level of ordinary skill in the art to follow. *In re Harza*, 274 F.2d 669, 671, 124 USPQ 378, 380 (CCPA 1960). Similarly, by having the plurality of indicia appear on the spray bar instead of on the mounting device is a modification known as reversing parts, which has also been considered to

Art Unit: 1744

be within the level of ordinary skill in the art. *In re Gazda*, 219 F.2d 449, 452, 104 USPQ 400, 402 (CCPA 1955).

4. Claims 1-7 and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohtani et al. (USPN 6151744) in view of Koll et al. (USPN 4842195).

Ohtani teaches an apparatus for cleaning substrates comprising a spray bar (35) with an output fluid spray from a nozzle (30), a mounting device (37) supporting the spray bar and substrate support (1, 2, 3) configured to support a substrate. There is additionally a scrubber brush (20) configured to contact a surface of a substrate. The reference also teaches that the nozzle is adjustable by loosening nut (32) and then retightening when the desired angle is achieved. Ohtani teaches all the essential elements of the claimed invention however fails to teach alignment marking on the spray bar and the mounting device. Koll teaches an apparatus for directing spray nozzles in various directions and angles. The spray nozzles (32, 36) are connected to a mounting device (30). Both the spray nozzle and the mounting device comprise indicia (62, 64) to illustrate the angle at which the nozzle will spray (figure 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include indicia on the spray bar and on the mounting device to allow the nozzle to be set at a desired angle that is adjustable and reproducible.

With regards to claims 4 and 11, which states that the alignment marks on the spray bar and the mounting device must be comprise a pair of holes, Koll fails to teach this limitation. However, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use holes as the alignment means because Applicant has not disclosed that holes provides an advantage, is used for a particular purpose, or solves a stated problem. One of

Art Unit: 1744

ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with holes or lines because they both perform the same function of aligning the spray bar and the mounting device equally well. Therefore, it would have been obvious to one of ordinary skill in the art to modify Koll to obtain the invention as specified in claims 4 and 11.

With regards to claims 6 and 13, wherein the spray bar comprises a plurality of alignment marks, Koll also fails to teach this. Koll does teach that the mounting device comprises a plurality of indicia and therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use multiple indicia on the spray bar as well. Duplicating a part for a multiple effect is a modification that has been considered to be within the level of ordinary skill in the art to follow. *In re Harza*, 274 F.2d 669, 671, 124 USPQ 378, 380 (CCPA 1960). Similarly, by having the plurality of indicia appear on the spray bar instead of on the mounting device is a modification known as reversing parts, which has also been considered to be within the level of ordinary skill in the art. *In re Gazda*, 219 F.2d 449, 452, 104 USPQ 400, 402 (CCPA 1955).

Conclusion

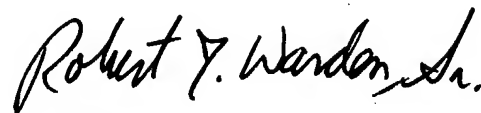
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 571-272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb
3/9/04



ROBERT J. WARDEN, SR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700